

INDEX

Committee Meetings	Date	Page Nos
1. Falkirk Council	26 September 2012	211 – 225
2. Planning Review	2 October 2012	226 – 228
3. Planning On-Site	8 October 2012	229 – 232
4. Policy and Resources	9 October 2012	233 – 238
5. Civic Licensing	11 October 2012	239 – 243
6. Environment and Community Safety	23 October 2012	244 – 247
7. Audit	29 October 2012	248 – 251
8. Education	30 October 2012	252 – 258
9. Planning	31 October 2012	259 – 275
10. Housing and Social Care	6 November 2012	276 – 281
11. Joint Consultative	7 November 2012	282 – 285
12. Planning On-Site	12 November 2012	286 – 290
13. Policy and Resources	13 November 2012	291 – 298
14. Pre Determination	14 November 2012	299 – 303
15. Civic Events Panel	14 November 2012	304
16. Civic Licensing	15 November 2012	305 – 308
17. Leisure Tourism and Community	20 November 2012	309 – 314
18. Appeals Committee	22 November 2012	315 – 317
19. Economic Strategy and Development	27 November 2012	318 – 320

Working Group Meeting	Date	Page No.
Best Value Forum	12 October 2012	5 – 6
Best Value Forum	9 November 2012	7 – 8
Special Best Value Forum	20 November 2012	9 – 10

VOLUME 3
2012/2013

FALKIRK COUNCIL

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 26 SEPTEMBER 2012 at 9.30 AM.

PRESENT: Provost Reid; Depute Provost Patrick; Councillors Alexander, Balfour, Bird, Black, Blackwood, Buchanan, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, Macdonald, McCabe, McLuckie, McNally, Mahoney, C Martin, Dr C R Martin, Meiklejohn, Murray, Nicol, Nimmo, Oliver, Paterson, Ritchie, Spears and Turner.

CONVENER: Provost Reid.

ATTENDING: Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services, of Education, and of Social Work Services; Chief Finance Officer; Depute Chief Finance Officer (Revenues and Benefits); Chief Governance Officer; Depute Chief Governance Officer; Head of Housing and Democratic Services Manager.

FC30. SEDERUNT

The sederunt was taken by way of a roll call.

FC31. DECLARATIONS OF INTERESTS

There were no declarations made at this stage.

FC32. MINUTES AND INFORMATION BULLETIN

- (a) Provost Reid, seconded by Depute Provost Patrick moved approval of the Minute as a correct record.

By way of an amendment, Councillor McCabe, seconded by Councillor Spears, moved approval of the Minute subject to the following alterations of Item FC26(3)

- Insertion of the words “non-aligned” before “Independent Group”; and
- Deletion of the word “allocated” to be replaced with “denied”.

On a division 15 members voted for the amendment and 17 voted for the motion.

Accordingly, **APPROVED** the Minute of Falkirk Council held on 20 June, as presented, as a correct record.

- (a) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 2 2012/2013; and

- (b) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 2 2012/2013.

FC33. ORDER OF BUSINESS

In terms of Standing Order 15.2(i), Provost Reid varied the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

FC34. QUESTION

Question by Councillor C Meiklejohn

“Can the Provost/Administration confirm that the concept of community benefit clauses was first introduced by the SNP administration during the awarding of contracts for the NPDO High Schools in Falkirk District?”

Response by Provost Reid

“I can confirm that Falkirk Council participated in the Scottish Executive's study into Community Benefit clauses, which commenced in 2004. The Falkirk schools project was used as the pilot contract for using community benefits clauses.”

FC35. STRATEGIC HOUSING INVESTMENT PLAN AND COUNCIL HOUSE NEW BUILD

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors Alexander, Bird and Chalmers.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Housing and Social Care Committee held on 28 August 2012, and (b) Report by the Director of Corporate and Neighbourhood Service to the said meeting presenting a draft Strategic Local Programme and draft Strategic Housing Improvement Plan (SHIP) for 2012-2015 for approval.

Councillor Goldie, seconded by Councillor Black moved that Council agrees:-

- (1) the Strategic Local Programme attached as Appendix 1 to the report and that this be submitted to the Scottish Government as required by 31 August 2012;
- (2) the draft Strategic Housing Investment Plan attached as Appendix 2 to the report, and
- (3) to further appraisal and feasibility work being undertaken on the potential Council new build sites listed in paragraph 4.4 of the report and that a report be submitted to the next meeting of the Housing and Social Care Committee on the outcomes of the assessments.

By way of an amendment, Councillor Alexander, seconded by Councillor Coleman, moved the terms of the motion subject to the substitution of paragraph (2) with the following:-

- (2) Agree the SHIP with the following alterations:
- 2.1 Council agrees to investigate the use of up to 5% of the Pension Fund to facilitate new build Council housing and agrees to report back to this effect to the Housing and Social Care Committee, and
 - 2.2 Council agrees to a full public consultation over the Denny Police Station site before a final decision on the future of the site is determined.

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 32 Members present with voting as undernoted:-

For the motion (17) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (15) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Accordingly, **AGREED** the terms of the motion.

FC36. BUYING BACK EX -LOCAL AUTHORITY HOUSING

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors Alexander, Bird and Chalmers.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Housing and Social Care Committee held on 28 August 2012, and (b) Report by the Director of Corporate and Neighbourhood Services to the said meeting (i) referring to the Local Housing Strategy (LHS) which was approved by Falkirk Council in December 2011 and sought to put in place a framework to ensure an adequate supply of good quality housing and increased range of affordable housing options in the area over the coming 5-10 years; (ii) advising that the LHS highlighted a number of reasons which had led to an increase in demand for social rented housing; (iii) referring to the financial constraints which will limit the Council and RSL new build programmes in 2012-15; (iv) outlining the need to address the shortfall through new initiatives, and (v) setting out guiding principles to facilitate the repurchase of former "Right to Buy" properties on the open market and bring these into social rented housing.

Councillor Goldie, seconded by Councillor Black, moved the recommendations as set out in the report.

By way of an amendment, Councillor Bird, seconded by Councillor Chalmers, moved that Council agrees to:-

- “(1) bring forward a fuller report that seeks to establish wider criteria for the purchase of properties that would meet Best Value criteria;
- (2) bring forward a paper on the development of joint initiatives with the private sector for mixed tenure estates, and
- (3) the purchase of former local authority properties in principle pending a full report on the creation of qualifying criteria that prevents exploitation of the public purse.”

On a division, 15 members voted for the amendment and 17 voted for the motion.

Accordingly, **AGREED** to:-

- (1) the repurchase of former Right to Buy properties, based on the principles outlined in Section 4.3 of the Report;
- (2) officers consulting with tenants and other Services as outlined in Section 7 of the Report, and
- (3) the submission of a Report to Policy and Resources Committee following satisfactory conclusion of the consultation process.

FC37. REVIEW OF RESERVES STRATEGY

In terms of the Council’s Scheme of Delegation, this item had been called in to Council by Councillors Meiklejohn and Ritchie.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 4 September 2012, and (b) Report by the Chief Finance Officer to the said meeting setting out a proposed Reserves Strategy.

Councillor C Martin, seconded by Councillor Murray, moved approval of the Reserves Strategy as set out in the report.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Balfour, moved that Council:-

- (1) notes the report as incomplete;
- (2) calls on officers to bring forward a further report containing proposals on how surpluses above the agreed upper reserves limit can best be used to stimulate the local economy thus creating jobs and opportunities, and
- (3) recognises that the strategy is a work in progress and agrees to bring forward an annual report to allow full scrutiny by members”.

On a division, 15 members voted for the amendment and 17 members voted for the motion.

Accordingly, **AGREED** the Reserves Strategy as detailed in the report.

FC38. REFERRAL FROM HOUSING – HOUSING ALLOCATION OUTCOMES

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors Meiklejohn and Ritchie.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Policy and Resources Committee held on 4 September 2012, (b) Joint Report by the Directors of Corporate and Neighbourhood Services and of Social Work Services to the said meeting, and (c) Joint Report by the said Directors to the Housing and Social Care Committee on 28 August 2012 setting out recommendations to ensure that the Housing Allocations Policy continues to prioritise evidenced housing needs and that best use is made of the Council's Housing stock.

Councillor G Goldie, seconded by Councillor Murray, moved that Council:-

- (1) notes the Housing Allocations Outcome report;
- (2) notes the proposed legislative and regulatory changes that are likely to impact upon the Allocation Policy and that further updates will be provided to Committee as required;
- (3) notes the feedback from Allocations Consultation Panel;
- (4) agrees to the proposed Tenant Incentive Scheme for Under Occupation as detailed at Appendix 3 of the report to the Housing and Social Care Committee for a 12 month pilot period, effective from April 2013 with an initial budget of £250,000 and an evaluation of the scheme reported back to Members, and
- (5) agrees to the proposals detailed in paragraphs 4.12 and 4.13 of the said report to reduce the time homeless applicants are waiting to be rehoused, then further reviewing the outcomes.

By way of an amendment Councillor Alexander, seconded by Councillor Turner, moved that paras (3) and (5) of the motion be substituted with the following:-

- (3) “notes the feedback from the Allocations Panel and agrees that the policy needs a full review which will take the form of a half day workshop for members then a special meeting of the Committee to consider the findings and any proposed changes that flow from the process, and
- (5) does not agree the content of paragraphs 4.12 and 4.13 but instead considers any changes as part of the review referred to in 6.3 above”.

On a division, 17 members voted for the motion and 15 voted for the amendment.

Accordingly, **AGREED** the terms of the motion.

FC39. COMMUNITY EMPOWERMENT AND RENEWAL BILL CONSULTATION – RESPONSE

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors McNally, Bird and Chalmers.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Leisure, Tourism and Community Committee held on 11 September 2012, and Report by the Director of Corporate and Neighbourhood Services to the meeting presenting a draft response to the Scottish Government's proposed Community Empowerment and Renewal Bill.

AGREED that the Report be approved as the Council's response to the proposed Community Empowerment and Renewal Bill.

FC40. COMMUNITY PARTICIPATION STRATEGY UPDATE

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors McNally, Bird and Chalmers.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Leisure, Tourism and Community Committee held on 11 September 2012, and (b) Report by the Director of Corporate and Neighbourhood Services to the said meeting providing an update on the implementation of the Community Participation Strategy.

Councillor Mahoney, seconded by Councillor Paterson, moved the recommendations as set out in the report.

By way of an amendment, Councillor McNally, seconded by Councillor Turner, moved that Council:-

- “(1) notes that the Citizens Panel membership has been increased to 1% of the population, however further work is required to make it more balanced in age and social background in order for the feedback received to be more meaningful.
- (2) agrees to increase the participation of young people, the members of our high schools pupil councils should become members of the Citizens Panel
- (3) agrees that the petitions Committee, which was agreed at the previous meeting of Council, should be implemented as soon as possible, and a report brought to the next available Committee.
- (4) agrees to request a further Report in 2013, prior to the Strategy being reviewed in 2014”.

Following discussion, Councillor Gow, seconded by Councillor C Martin moved that the question now be put.

On a division 17 members voted for the motion and 15 voted against, following which Councillor Mahoney exercised his right of reply before the question was put to the meeting.

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 32 Members present with voting as undernoted:-

For the motion (17) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (15) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Accordingly, **NOTED** the progress in implementing the Community Participation Strategy and **AGREED** to receive a further Report in 2013 prior to the Strategy being reviewed in 2014.

FC41. EXECUTION OF DEEDS

There was submitted Report (circulated) by the Chief Governance Officer advising of the deeds which had been signed and sealed on behalf of the Council since its last meeting.

NOTED the signing and sealing by the Chief Governance Officer of the deeds as detailed in the Appendix to the report.

FC42. APPOINTMENTS TO OUTSIDE ORGANISATIONS

There was submitted Report (circulated) by the Chief Governance Officer together with a supplementary report dated 28 September 2012 (a) advising of a request by COSLA to nominate a member to each of its Executive Committees; (b) intimating resignations by (i) Councillor Buchanan as the Council's representative on the Edinburgh Airport Consultative Committee and (ii) Councillor MacDonald as one of the Council's representatives on the Fife and Forth Valley Community Justice Authority ("the CJA"); (c) inviting Council to nominate a successor to each body; (d) inviting Council to consider appointing a third substitute member to the CJA, and (e) recording changes to the SNP Group's representation on Central Scotland Joint Fire and Rescue Board.

AGREED to appoint:-

Body	Vacancies	Appointment
Cosla Community Well Being and Safety Executive Group	1 substantive + 1 substitute	Councillor G Goldie Councillor A Black (sub)

Cosla Education, Children & Young People Executive Group	1 substantive + 1 substitute	Councillor A Nimmo Provost P Reid (sub)
Cosla Health and Well Being Executive Group	1 substantive + 1 substitute	Councillor L Gow Councillor A Black (sub)
Cosla Regeneration and Sustainable Development Executive Group	1 substantive + 1 substitute	Councillor D Goldie Councillor A Mahoney (sub)
Cosla Resources and Capacity Executive Group	1 substantive + 1 substitute	Depute Provost Patrick Councillor J Blackwood (sub)
Cosla Strategic Human Resources Management Executive Group	1 substantive + 1 substitute	Councillor Dr CR Martin Councillor C MacDonald (sub)
Edinburgh Airport Consultative Committee	1 substantive	No nomination made
Central Scotland Joint Fire and Rescue Board	2 substitutes	Councillor S Carleschi and C Chalmers

NOTED the vacancies in the Council's complement of places on the Fife and Forth Valley Community Justice Authority and **AGREED** to appoint Councillor Craig R Martin to the substitute position and Provost Reid as the third substitute on the Authority, noting that, as there remains a substantive vacancy, the third substitute place is deemed to be a member of the Community Justice Authority.

Council adjourned for lunch at 12.55 pm and reconvened at 1.30 pm with all members present as per the sederunt.

FC43. FALKIRK TOWNSCAPE HERITAGE INITIATIVE

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors Oliver, Coleman and Bird.

There was submitted (circulated) (a) Extract of Minute of Meeting of the Economic, Strategy and Development Committee held on 18 September 2012, and (b) Report by the Director of Development Services to the said meeting advising on the progress of the Council's bid to the Heritage Lottery Fund to seek a regeneration award and establish Town Heritage Initiative status for Falkirk Town Centre.

Councillor D Goldie seconded by Councillor Blackwood moved approval of the recommendations as set out in the report.

By way of an amendment, Councillor Oliver, seconded by Councillor McNally, moved that the following be added to the recommendations in the report:-

“Council sets up a working group comprising of the Provost, Convener of Economic Strategy and Development, the opposition spokesperson for Economic Strategy and Development and local ward members to address the starting of the regeneration group process in relevant regeneration areas and receives a report from the working group”.

On a division, 15 members voted for the amendment and 17 voted for the motion.

Accordingly, **NOTED**:-

- (1) the successful outcome of the Falkirk Townscape Heritage Initiative Stage 1 bid to the Heritage Lottery Fund Landscape Programme, and
- (2) that a further report will be brought back to Committee confirming the outcome of the submission and the implications for the Council.

AGREED to progress a Stage 2 Heritage Lottery Fund submission.

F44. BUSINESS SUPPORT – UPDATE

In terms of the Council’s Scheme of Delegation, this item had been called in to Council by Councillors Oliver, Coleman and Bird.

With reference to the Minute of the Meeting held on 20 June 2012 (Paragraph FC19 refers), there was submitted (circulated) (a) Extract of Minute of Meeting of the Economic, Strategy and Development Committee held on 18 September 2012, and (b) Report by the Director of Development Services to the said meeting advising on preparations made for implementing the new business support service on 1 October 2012.

Councillor D Goldie, seconded by Councillor Blackwood, moved the recommendations as set out in the report.

By way of an amendment, Councillor Oliver, seconded by Councillor Bird, moved the following in addition to the recommendations in the report that:-

“officers will report back to Full Council an update on the Business Support service in March 2013.”

Councillor Meiklejohn gave notice of a further amendment.

On a division, 15 members voted for the amendment and 16 voted for the motion.

The motion was accordingly carried, against which by way of a further amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved that:-

“Council continues consideration of this item pending clarification of the information being considered by Internal Audit.”

On a division, 15 members voted for the amendment and 16 members voted for the motion.”

Accordingly **AGREED** to receive a further report on the operation of the Business Service and on proposals for the future development of the service.

Councillor Buchanan left the meeting during consideration of the foregoing item of business.

FC45. REFERRAL FROM POLICY AND RESOURCES COMMITTEE - 4 SEPTEMBER 2012 - TREASURY MANAGEMENT ANNUAL REVIEW 2011/12

There was submitted (circulated) (a) Report by the Chief Finance Officer; and (b) Report by the Chief Finance Officer submitted to the meeting of the Policy and Resources Committee on 4 September 2012 presenting the Treasury Management Annual Review 2011/12.

AGREED the Annual Review 2011/12.

Councillor Black declared a financial interest in the following item as the owner of a local business and consequently stated that she would take no part in the discussion and decision making on this item.

FC46. REFERRALS FROM ECONOMIC STRATEGY AND DEVELOPMENT COMMITTEE - 18 SEPTEMBER 2012 - (a) TAX INCREMENTAL FINANCING (TIF) INITIATIVE- UPDATE REPORT AND (b) PORTFOLIO MANAGEMENT PLAN UPDATE REPORT

There was submitted (circulated) (a) Report by the Director of Development Services, and (b) two reports by the said Director submitted to the Economic Strategy and Development Committee on 18 September 2012 updating the Committee on progress with (a) the TIF initiative for the Falkirk area and (b) the Portfolio Management Plan.

AGREED:-

- (1) to submit the Full Business Case for the Falkirk area TIF initiative to the Scottish Futures Trust/Scottish Government for approval;
- (2) to progress the actions outlined in section 6 of the TIF report to the Economic Strategy and Development Committee for implementation of the initiative, including production of designs and procurement documents for infrastructure works at M9, Junction 6, and an Infrastructure and Development Plan and Marketing Plan for the initiative;
- (3) that the necessary actions be progressed to formally terminate the Development Agreement previously entered into with Macdonald Estates for Falkirk Gateway;

- (4) that detailed arrangements for delivering the Falkirk Gateway and related sites be progressed in conjunction with the Infrastructure and Development Plan;
- (5) to progress the updated proposals for the PMP disposal and reinvestment plans as set out in the report to Committee and detailed in Appendices 2 and 3 thereof, and
- (6) that the current process for PMP asset disposal should be amended to match the Council's existing procedure, granting delegated authority to the Director of Development Services to conclude disposals under £200,000.

Councillor Black rejoined the meeting following consideration of the foregoing item of business.

FC47. FALKIRK COUNCIL CORPORATE PLAN 2012 – 2017

There was submitted Report (circulated) by the Chief Executive (a) providing background to the development of the draft Corporate Plan 2012-2017, and (b) presenting the draft Plan for approval.

Councillor C Martin, seconded by Councillor Nimmo, moved that Council approve the Corporate Plan 2012-2017 as appended to the report.

By way of an amendment, Councillor McCabe, seconded by Councillor Spears, moved the terms of the motion and in addition that:-

“this Corporate Plan takes no cognisance of the need of 35,000 residents located to the west of the Falkirk Wheel in its application for TIF funding.”

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 31 Members present with voting as undernoted:-

For the motion (16) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (15) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Accordingly, **AGREED** the Corporate Plan 2012-2017.

Councillor Jackson noted that while he was an employee of the Department of Work and Pensions he did not consider that this gave rise to a declarable interest under the Code of Conduct.

FC48. WELFARE REFORM

There was submitted Report (circulated) by the Chief Executive (a) summarising the potential impact of the Welfare Reform Act 2012; (b) highlighting key change dates for local authorities; (c) outlining the proposed way forward for the Council, and (d) setting out proposals to utilise the Fairer Falkirk Fund to tackle the root causes of poverty.

Councillor C Martin, seconded by Councillor Nimmo, moved that:-

- (1) a report is presented to members in December that sets out proposals for the models of delivery and gives specific proposals for:
 - The Scottish Community Support Fund from April 2013 (formerly Social Fund); and
 - The face-to-face service for Universal Credit from October 2013.
- (2) further briefings are organised for Members on Welfare Reform.
- (3) Council approves the allocation of funding as noted in paragraphs 5.6 – 5.10 of the report and notes that the detailed use of this funding will be presented to Council in December along with a detailed proposal for arrangements for Discretionary Housing Payments.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Jackson moved that:-

- (1) Council condemns the current actions of the UK Government's policy in welfare reform believing this is a cynical exercise in cuts to the welfare budget which will put vulnerable, elderly and disabled people further into poverty;
- (2) a report is presented to members in December that sets out proposals for the models of delivery and gives specific proposals for:
 - The Scottish Community Support Fund from April 2013 (formerly Social Fund); and
 - The face-to-face service for Universal Credit from October 2013.
- (3) further briefings are organised for Members on Welfare Reform.
- (4) Council approves the allocation of funding as noted in paragraphs 5.6 – 5.10 of the report and notes that the detailed use of this funding will be presented to Members in December along with a detailed proposal for arrangements for Discretionary Housing Payments.

In accordance with Standing Order 19.7 and with the consent of the Provost, and Councillor Nimmo as his seconder, Councillor Martin altered the text of his motion to include the following:-

- (4) the Leader of the Council will write to the UK Government condemning the timing of the changes to the welfare system and enclosing a copy of the report.

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 31 Members present with voting as undernoted:-

For the motion (16) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (15) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Accordingly, **AGREED:-**

- (1) that a report is presented to Council in December that sets out proposals for the models of delivery and gives specific proposals for:
- The Scottish Community Support Fund from April 2013 (formerly Social Fund); and
 - The face-to-face service for Universal Credit from October 2013, and
- (2) that further briefings are organised for members on Welfare Reform;
- (3) the allocation of funding as noted in paragraphs 5.6 – 5.10 of the report and that a report on the detailed use of this funding will be presented to Council in December along with a detailed proposal for arrangements for Discretionary Housing Payments; and
- (4) the Leader of the Council will write to the UK Government condemning the timing of the changes to the welfare system and enclosing a copy of the Report.

FC49. FALKIRK COUNCIL GAELIC LANGUAGE PLAN

There was submitted Report (circulated) by the Chief Executive presenting a Gaelic Language Plan for approval and submission to Bòrd na Gàidhlig.

Councillor C Martin, seconded by Councillor Nimmo, moved the recommendations as set out in the report.

By way of an amendment, Councillor Hughes, seconded by Councillor Chalmers moved in addition to the other recommendations, that:-

“Council agrees to establish a Gaelic Working Group of elected members, council officials and members of the Gaelic community to promote the Gaelic Language through the medium of Cultural Festivals. Part of the remit would be investigating the possibility of bringing the MOD back to Falkirk in 2017 and drawing down external funding for a shared Development Officer”.

On a division, 15 voted for the amendment and 16 voted for the motion.

Accordingly, **AGREED** the Gaelic Language Plan and to instruct the Chief Executive to present it to the Bòrd na Gàidhlig for approval.

FC50. NOTICES OF MOTION

(a) Members' Learning and Development

Councillor Nimmo, seconded by Councillor C Martin, moved that:-

“Falkirk Council is committed to providing effective learning and development opportunities for its employees. There has also been a range of training provided for Elected Members including access to knowledge raising events, skill development programmes, training needs analysis and access to external resources which complement this. It is important however, that Elected Members receive the same development opportunities as employees, in their leadership role for the Council.

With this in mind, it is proposed that Council agree to widen the scope of the current Learning and Development Policy which is available to employees, to include Elected Members, ensuring that Members have access to a range of learning and development opportunities in the same way as employees.

This would include access to role related learning activities, as well as developmental learning and qualifications.

It is proposed that officers are asked to consider how best to apply the current Learning and Development Policy to all Elected Members to include them within its scope, and bring a report back to the next meeting of Council.”

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved the terms of the motion subject to the deletion of the final sentence of the second paragraph.

On a division, 14 members voted for the amendment and 17 members voted for the motion. Accordingly, **AGREED** the terms of the motion.

(b) Reporting back from Outside Organisations to Council

Councillor Coleman, seconded by Councillor Bird, moved that:-

“Falkirk Council previously expressed the wish that members placed by the Council on outside bodies to represent this Council's interests should briefly report to the Full Council on the business transacted at meetings of outside organisations that have taken place between the previous Full Council and this present one.

Council requires that those members placed by this Council on outside bodies now report to Council on the activities of these bodies and how these impact on Falkirk Council the first of these briefings to be provided during today's meeting at a point in the agenda chosen at the Provost's discretion and that they should be of no more than two minutes duration."

The Provost **NOTED** that no amendment had been put forward and that there was no general agreement with regard to the motion.

In terms of Standing Order 19.10, the motion was therefore put to the vote.

On a division 15 members voted for the motion and 16 voted against. The motion therefore was **NOT AGREED**.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 2 OCTOBER 2012 at 2.30 P.M.

PRESENT: Councillors Buchanan, Carleschi, McLuckie and Paterson.

CONVENER: Councillor Buchanan.

ATTENDING: Legal Services Manager (I Henderson); Development Management Co-ordinator (B Whittle); Roads Development Officers (R Mackenzie Item PRC10 only and C Russell Item PRC11 only), and Committee Services Officer (S Barton).

PRC6. APOLOGIES

An apology for absence was intimated on behalf of Councillor Chalmers.

PRC7. DECLARATIONS OF INTEREST

There were no declarations made.

PRC8. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Planning Review Committee held on 21 June 2012.

PRC9. OPENING REMARKS

The Convener welcomed everyone in attendance to this meeting of the Planning Review Committee and following a short introduction asked Mr Henderson, Legal Services Manager, to provide a summary of the procedure to be followed at the Committee.

PRC10. APPLICATION FOR REVIEW - PLANNING APPLICATION P/11/606/FUL, PARTIAL CHANGE OF USE OF EXISTING SHOP (CLASS 1) TO ALLOW HOT FOOD TAKEAWAY SALES AND INSTALLATION OF EXTERNAL FLUE AT 10-12 GRANGEMOUTH ROAD, FALKIRK FK2 9DA (CONTINUATION)

With reference to the Minutes of Meeting of the Planning Review Committee held on 21 June 2012 (Paragraph PRC4 refers), there were submitted documents (circulated) in relation to the Application for Review submitted by Mr S Banks on behalf of Mr M Fanning for partial change of use to existing shop (class 1) to allow hot food takeaway sales and installation of external flue at 10-12 Grangemouth Road, Falkirk.

After discussion and having heard advice from Mr Henderson and Mr Whittle, the Committee **AGREED** that they had sufficient information (a) within the written submission provided by Mr Raymond Purcell, and (b) from the unaccompanied inspection of the site in question on 2 October 2012, and considered:-

- (1) Policy EP09 of the Falkirk Council Local Plan;
- (2) the consultation responses, particularly the comments from the Roads Development Unit;
- (3) the written submission provided by Mr Purcell;
- (4) the benefit of the site inspection;
- (5) the access to, and the size of the proposed parking area at the rear of the property;
- (6) the proximity of the light controlled junction to the property, and
- (7) the impact of the proposal on the adjacent residential properties.

After discussion the Committee **AGREED** that the decision of the Director of Development Services to **REFUSE** planning permission be **UPHELD** and that the preparation of the decision notice be delegated to the Chief Governance Officer.

PRC11. APPLICATION FOR REVIEW – PLANNING APPLICATION P/11/0706/FUL, ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF WOODGROVE, FALKIRK (CONTINUATION)

With reference to the Minute of Meeting of the Planning Review Committee held on 21 June 2012 (Paragraph PRC5 refers), there were submitted documents (circulated) in relation to the Application for Review submitted by Mr C Hardie on behalf of Mr I Robertson for the erection of a dwellinghouse at land to the west of Woodgrove, Falkirk.

After discussion and having heard advice from Mr Henderson and Mr Whittle, the Committee **AGREED** that they had sufficient information (a) within the written submission provided by the Director of Development Services and the applicant's response to this, and (b) from the accompanied inspection of the site in question on 2 October 2012, and considered:-

- (1) Policies EQ19 and SC03 of the Falkirk Council Local Plan;
- (2) the terms of the Falkirk Council Supplementary Planning Guidance Note "Housing Layout and Design";
- (3) the responses from the statutory consultees – Scottish Water, Environmental Health and the Roads Section;

- (4) the objections raised in relation to the application;
- (5) information submitted by the applicant in support of the proposal;
- (6) the benefit of the site inspection;
- (7) the written submission from Development Services and the response from the applicant in relation to this, and
- (8) the lack of visibility at the entrance to access road.

After discussion the Committee **AGREED** that the decision of the Director of Development Services to **REFUSE** planning permission be **UPHELD** and that the preparation of the decision notice be delegated to the Chief Governance Officer.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 8 OCTOBER 2012 commencing at 9.20 a.m.

PRESENT: Councillors Alexander, Black, Buchanan, Chalmers, McLuckie (except application P/12/0124/PPP); Meiklejohn and Turner.

CONVENER: Councillor Buchanan.

ATTENDING: Development Manager (I Dryden); Senior Planning Officer (B Vivian) (for applications P/12/0364/VRC and P/12/0124/PPP); Planning Officer (K Brown) (for application P/11/0560/FUL); Environmental Health Officer (J McClung) (for application P/11/0560/FUL); Transport Planning Co-ordinator (for application P/12/0364/VRC); Network Co-ordinator; Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

P100. APOLOGIES

Apologies were intimated on behalf of Councillors Nicol, Paterson and Mahoney.

P101. DECLARATIONS OF INTEREST

No declarations were made.

P102. ERECTION OF SINGLE WIND TURBINE (29.7 METRES HIGH TO HUB, 46.7 METRES HIGH TO BLADE TIP) (400 KW) AT OVERTON FARM, DENNY FK6 5JE FOR INTELLIGENT LAND INVESTMENTS – P/11/0560/FUL

With reference to Minute of Meeting of the Planning Committee held on 19 September 2012 (Paragraph P96 refers), Committee gave further consideration to Report (circulated) dated September 2012 by the Director of Development Services on an application for full planning permission for the erection of a single wind turbine (29.7 metres high to hub, 46.7 metres high to blade tip) (400 KW) at Overton Farm, Denny.

The Convener introduced the parties present.

The Planning Officer (K Brown) outlined the nature of the application.

Mr McLean, the applicant's representative, was heard in relation to the application.

Neither the supporters nor the person submitting the letter of representation was not in attendance but the comments were noted as detailed in the report.

Questions were then asked by Members of the Committee.

Councillor McCabe, as local Member for the area, was heard in relation to the application.

Councillor Blackwood, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 31 October 2012.

Apologies were subsequently noted from Councillor Meiklejohn, on behalf of Councillor Oliver the local Member for the area.

P103. VARIATION OF CONDITION 33 OF PLANNING PERMISSION P/08/0296/FUL TO ALLOW OCCUPATION OF AFFORDABLE RESIDENTIAL UNITS PRIOR TO CONSTRUCTION OF A ROUNDABOUT AT THE JUNCTION OF STIRLING STREET AND NETHERMAINS ROAD ON LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD FOR MACTAGGART AND MICKEL – P/12/0364/VRC

With reference to Minute of Meeting of the Planning Committee held on 19 September 2012 (Paragraph P97 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the variation of condition 33 of planning permission P/08/0296/FUL to allow occupation of affordable residential units prior to construction of a roundabout at the junction of Stirling Street and Nethermains Road on land to the west of 21 Old Mill Way, Kirkland Drive, Stoneywood.

Neither the applicant nor their agent was present on site. The agent had acknowledged, by email, receipt of an invitation to the visit but did not submit apologies on their behalf or that of the applicant. The Development Manager, at the request of the Convener and prior to the official start of the meeting, telephoned the agent to ascertain if a representative from the applicant or agent would be in attendance. He was advised that no representative would be present. The Convener then proceeded with the meeting with the consent of all Members present.

The Convener introduced the parties present.

The Senior Planning Officer (B Vivian) outlined the nature of the application.

Questions were then asked by Members of the Committee.

Councillor Blackwood, as local Member for the area, was heard in relation to the application.

Councillor McCabe, as local Member for the area, was heard in relation to the application.

Councillor Oliver, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 31 October 2012.

P104. DEVELOPMENT OF LAND FOR HOUSING PURPOSES ON LAND TO THE SOUTH OF THE STABLES, BRAEFACE ROAD, BANKNOCK FOR MR JOHN PENMAN - P/12/0124/PPP

With reference to Minute of Meeting of the Planning Committee held on 19 September 2012 (Paragraph P98 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for planning permission in principle for the development of land for housing purposes on land to the south of the Stables, Braeface Road, Banknock.

The Convener introduced the parties present.

The Senior Planning Officer (B Vivian) outlined the nature of the application.

Mr Penman, the applicant, was heard in relation to the application.

Mr Munro, the applicant's agent, was heard in relation to the application.

Ms Craib, an objector, was heard in relation to the application.

Ms Kerr, an objector, was heard in relation to the application.

Mr Aitchison, on behalf of his wife, an objector, was heard in relation to the application.

Mr Thomson, an objector, was heard in relation to the application.

The objections included the following issues:-

- The proposal was contrary to the Local Plan;
- That the land was Green Belt;
- The existing use was only granted based on it being a private estate, with only estate working buildings permitted;
- That the Estate did not operate by 'invitation only', an example being the operation of a publically advertised coffee shop, flyers and internet advertisements and;
- There was no guarantee that the profit/cash realised from the development would be used to sustain the Estate as a going concern or preserve a rural business and jobs;
- The inadequate detail within the business plan and the need for independent assessment of the proposed development in terms of sustainability or wider economic benefit;
- The setting of a precedent for future housing development;
- The noise, disruption/loss of privacy, views, peace and tranquillity;
- The loss of trees;
- That the current facility for educational rather than training purposes;
- The lack of adherence to previous planning approval in terms of the planting of trees for privacy purposes;
- That unsuitability of Braeface Road to serve the development due to its condition, narrow width and restrictions;
- That the existing entrance did not support two vehicle widths;

- The road safety concerns and issues relating to construction traffic on the narrow road to the site as well as access and parking; and
- The poor water pressure in the area and the issues associated with flooding.

Questions were then asked by Members of the Committee.

Councillor Oliver, as local Member for the area, was heard in relation to the application.

Councillor McCabe, as local Member for the area, was heard in relation to the application.

Councillor Blackwood, as local Member for the area, was heard in relation to the application.

Members thereafter viewed the access to the site from both directions.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 31 October 2012.

FALKIRK COUNCIL

MINUTE of MEETING of the POLICY AND RESOURCES COMMITTEE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 9 OCTOBER 2012 at 9.30 a.m.

PRESENT: Depute Provost Patrick; Councillors Balfour, MacDonald, C Martin, McLuckie, Meiklejohn, Murray and Ritchie.

CONVENER: Councillor C Martin.

ATTENDING: Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services and of Social Work Services; Chief Finance Officer; Chief Governance Officer; Head of Planning and Transportation; Depute Chief Governance Officer; Transport Planning Manager; Public Transport Officer (C Cox) and Senior Committee Services Officer.

PR39. APOLOGIES

No apologies were intimated.

PR40. DECLARATIONS OF INTERESTS

No declarations were made.

PR41. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Policy and Resources Committee held on 4 September 2012.

PR42. ORDER OF BUSINESS

The Convener advised that he intended to vary the order of business. The following items have been recorded in the order that they were taken at the meeting.

PR43. LOCAL BUS SERVICES

There was submitted Reports (circulated and tabled) dated 3 and 9 October 2012 by the Director of Development Services (a) referring to the outcome of a review into bus services within the Falkirk area undertaken by First East Scotland Ltd; (b) analysing the resulting impact on the Falkirk bus network, and (c) outlining possible actions by the Council.

AGREED that school contract number F12/ED/BUS/33 be awarded to Vision Travel and that the Director of Development Services be instructed to:-

- (a) procure bus services to replace, as far as practicable, existing bus services with adjustments as necessary; these services to be operated until 31 March 2013 or such other date as may be suitable, at a cost to be taken from reserves and not exceeding an annual rate of £500,000, and
- (b) undertake a root and branch review of non commercial bus service provision and that this be carried out by 31 January 2013 in consultation with Elected Members.

PR44. PROCUREMENT REFORM BILL CONSULTATION

There was submitted Report (circulated) dated 25 September 2012 by the Director of Corporate and Neighbourhood Services (a) referring to a consultation paper on the proposed Procurement Reform Bill, issued by the Scottish Government on 10 August 2012; (b) advising that the purpose of the Bill was to seek views on the variety of proposed new duties and obligations for public sector procurement, and (c) attaching as an appendix to the Report a copy of the proposed response.

NOTED the Scottish Government's Consultation on the Procurement Reform Bill.

AGREED that the response attached in the Appendix to the Report be submitted to the Scottish Government on behalf of Falkirk Council.

PR45. CONSULTATION ON PROPOSALS FOR A BETTER REGULATION BILL

There was submitted Report (circulated) dated 25 September 2012 by the Director of Development Services (a) referring to the consultation paper on the proposed Better Regulation Bill, issued by the Scottish Government; (b) advising that the intention of the Bill was to create an environment in which companies can grow and flourish and to deliver economic growth while maintaining standards of compliance, and (c) attaching as an appendix to the Report, a copy of the proposed response.

NOTED the proposals contained in the Scottish Government's consultation on proposed Better Regulations.

AGREED that the response attached in the Appendix to the Report be submitted to the Scottish Government on behalf of Falkirk Council.

PR46. UPDATE ON SCOTTISH GOVERNMENT LEGISLATIVE PROGRAMME 2011/2012 AND PROPOSED SCOTTISH GOVERNMENT LEGISLATIVE PROGRAMME 2012/2013

There was submitted Report (circulated) dated 25 September 2012 by the Chief Governance Officer outlining the Scottish Government Legislative Programme for the session 2012/13.